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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,545	10/03/2001	Robert L. Parker	42390P11137	1369

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EXAMINER

VU, THANH T

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/970,545

Applicant(s)

PARKER, ROBERT L.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mack et al.

(“Mack”, Pat. Pub. No. US 2002/0054115).

Per claim 1, Mack teaches a method comprising:

displaying a first image on a web page (figs. 10 and 11; col. 5, [0029] and [0032]);

selecting an image of a three dimensional mesh (figs. 10 and 11; col. 5, [0029] and [0032]);

sizing and positioning the three dimensional mesh image over a selected area of the first image (col. 5, [0030]);

projecting a second image onto the first image using the selected three dimensional mesh image as sized and positioned to form a composite image (col. 5, [0030]; col. 6, [0036]); and

displaying the composite image to a user for accessing in an electronic commerce transaction (col. 6, [0036]).

Per claim 2, Mack teaches the method of claim 1, wherein the first image comprises a digital photograph provided by the user, and the second image comprises text provided by the user (col. 4, [0026]; col. 5, [0032]).

Per claim 3, Mack teaches the method of claim 1, further comprising accepting or declining the composite image by the user (col. 6, [0034]).

Per claim 4, Mack teaches the method of claim 1, further comprising purchasing the composite image by the user in an electronic commerce transaction (col. 6, [0036]).

Per claim 5, Mack teaches the method of claim 1, wherein the first image comprises an image of a body part of a human being (col. 5, [0029], [0031] and [0032]).

Claims 6-10 are rejected under the same rationale as claims 1-5.

Per claim 11, Mack teaches a method of presenting a personalized image to a user comprises:

- receiving a digital photograph from the user (figs. 10 and 11; col. 4, [0024]; col. 5, [0029] and [0032]);

- receiving a first image from the user (figs. 10 and 11; col. 4, [0024]; col. 5, [0029] and [0032]);

- providing a set of three dimensional mesh images (figs. 10 and 11; col. 5, [0029] and [0032]);

- accepting a user selection for a selected one of the mesh images (figs. 10 and 11; col. 5, [0029], [0031], and [0032]);

- accepting sizing and positioning of the selected mesh image over a selected area of the digital photograph (col. 5, [0030]);

- projecting the first image onto the selected area of the digital photograph using the selected mesh image to form the personalized image (col. 5, [0030]; col. 6, [0036]); and

- displaying the personalized image to the user (col. 5, [0030]; col. 6, [0036]).

Claim 12 is rejected under the same rationale as claim 2.

Claim 13 is rejected under the same rationale as claim 4.

Claim 14 is rejected under the same rationale as claim 5.

Claims 15-17 are rejected under the same rationale as claims 11, 4-5 respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoehn et al. (U.S. Pat. No. 6,747,648) discloses website for automated interactive display of images.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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